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ORDINANCE NO. 1969-M-3

ORDINANCE AMENDING CHAPTER 28 OF
THE MUNICIPAL CODE OF THE CITY OF ST. CHARLES

WHEPEAS, a resolution was duly passed by the City Council of the City of St. Charles, Illinois establishing a committee to hold the necessary meetings and to make their recommendations on revisions or amendments to Chapter 28 of the Municipal Code of the City of St. Charles, and;

WHEREAS, said committee has held meetings and made their recommendations to the City Council, and;

WHEREAS, it is in the best interest of the City of St. Charles that said Municipal Code be amended as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES that the Municipal Code of the City of St. Charles, Illinois as approved by the City Council March 15, 1965 and as amended from time to time thereafter is hereby amended as follows:

1. That Section 28.002 entitled, "Disorderly Conduct", is amended to read as follows:

28.002 Disorderly Conduct

It shall be unlawful for a person to commit disorderly conduct.
A person commits disorderly conduct when he knowingly:

Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or

Enters upon the property of another for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening.

2. That Section 28.006 entitled, "Fighting" shall be amended by entitling the Section "Battery" and to read as follows:

28.006 Battery

It shall be unlawful for a person to commit battery. A person commits battery if he intentionally or knowingly without legal jurisdiction and by any means

- A. Causes bodily harm to an individual or
- B. Makes physical contact of an insulting or provoking nature with an individual.

3. That Section 28.008 entitled, "Cheating", shall be amended by entitling the Section "Theft" and shall read as follows:

28.008 Theft

It shall be unlawful for any person to commit theft. A person commits theft when he knowingly:

- A. Obtains or exerts unauthorized control over property of the owner; or
- B. Obtains by deception control over property of the owner; or
- C. Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen, and
 - 1. Intends to deprive the owner permanently of the use or benefit of the property; or
 - 2. Knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or
 - 3. Uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.

4. That Section 28.034 entitled, "Penalties", shall be amended by re-numbering said Section so that it will have the last number in numerical order in Chapter 28 after the additional Sections in this Ordinance are added to Chapter 28.

IT IS FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES that Chapter 28 is further amended by the addition of the following Sections which shall be numbered in numerical sequence by the City Clerk commencing with the last section presently in full force and effect in Chapter 28 as follows:

28. Assault

It shall be unlawful for a person to commit an assault. A person commits an assault when without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

28. Reckless Conduct

It shall be unlawful to commit reckless conduct. A person who causes bodily harm to or endangers the bodily safety of an individual by any means, commits reckless conduct if he performs recklessly the acts which cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

28. Damage to Property

It shall be unlawful to damage property. A person commits damage to property who:

- A. Knowingly damages property of another without his consent; or
- B. Recklessly by means of fire or explosive damages property of another; or
- C. Knowingly starts a fire on the land of another without his consent; or
- D. Knowingly injures a domestic animal of another without his consent; or
- E. Knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.

28. Trespass to Vehicle

It shall be unlawful to commit trespass to vehicle. A person who knowingly and without authority enters any vehicle, aircraft, or watercraft or any part thereof of another without his consent commits trespass to a vehicle.

28. Trespass to Land

It shall be unlawful to commit trespass to land.

- A. A person who enters upon the land of another, after receiving immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart commits a trespass to land.
- B. A person has received notice from the owner or occupant within the meaning of Subsection A if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

28. Unlawful Use of Weapons

It shall be unlawful to, and a person commits the offense of unlawful use of weapons when he knowingly:

1. Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or
2. Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stilleto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or
3. Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or
4. Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; or

5. Sets a spring gun; or
6. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
7. Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or
8. Carries or possesses any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.

IT IS FURTHER ORDAINED that any person, firm, or corporation violating any provision of this Ordinance shall be fined not less than \$5 nor more than \$500 for each offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon the publication of this Ordinance as prescribed by statute.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 2nd day of June, 1969.

PASSED by the City Council of the City of St. Charles, Illinois this 2nd day of June, 1969.

APPROVED by the Mayor of the City of St. Charles, Illinois this 2nd day of June, 1969.

ATTEST:

James B. Griffin Al Terevsky
Mayor

PUBLISHED by the City of St. Charles, this _____ day of _____, 1969.